



Hendry County Sheriff's Office

General Order 11.5

TITLE: Americans with Disabilities Act (ADA)	SHERIFF'S APPROVAL: Digital
ORIGINATION DATE: August 4, 2018	REVISION DATE: May 23, 2019
RELATED REFERENCES: <i>Americans with Disabilities Act</i> CFA: 1.05	
REVIEW FREQUENCY: 3 YEARS	DATE OF NEXT REVIEW: May 23, 2022

I. PURPOSE: The purpose of this order is to provide members with an understanding of the Americans with Disabilities Act.

II. SCOPE: This order shall apply to all sheriffs' office members.

III. POLICY: The Americans with Disabilities Act (ADA) requires that state and local governments be accessible to people with disabilities. The Hendry County Sheriff's Office will provide qualified individuals with disabilities the same access to programs, services, activities and employment practices as provided to persons without disabilities.

The Human Resources Director is the agency's ADA Coordinator and ensures the agency is in compliance with requirements of the ADA.

IV. PROCEDURE:

A. The following establishes a mechanism for qualified individuals with a disability to request reasonable accommodations to enable them to perform their essential job functions and establishes a mechanism for complaint resolution.

1. Reasonable Accommodation Request

- Notify your supervisor in writing if you are an employee requiring a modification.
- The supervisor forwards the original request to the division head and forwards a copy to the ADA Coordinator.
- After the request is received, determination is made if the employee is a qualified individual with a disability.

2. Referral to the ADA Coordinator

- a. Once an employee is determined to be an individual with a disability, the employee meets with the ADA Coordinator for resolution of the request.
- b. The ADA Coordinator reviews the employee's job description, which may lead to the employee being required to be examined by a licensed healthcare professional. The examination is to determine the nature of the disability and the extent of limitations related to the essential job functions described in the employee's job description. The Sheriff's Office selects the licensed healthcare provider and provides payment for any costs related to the examination.
- c. The ADA Coordinator and the employee determine how the impairment/disability limits the employee's ability to perform essential job functions and identify potential accommodations to overcome the limitations.
- d. If the employee requests an extended leave of absence for reasons caused by the disability, additional medical documentation is required to document the effectiveness of the leave of absence in enabling the employee to return to performing the essential job functions with or without other reasonable accommodations.
- e. The ADA Coordinator provides the Division head with a determination memo that states whether the employee is an individual with a disability and outlines essential job functions that require accommodation.

3. Selection of Reasonable Accommodation

- a. Once the ADA Coordinator and the employee's Division head agree on the accommodation(s), the Division head documents the accommodations and explains them to the employee.
- b. If accommodations are not agreed upon, the ADA Coordinator, the Division head and the employee meet to reach a final decision.
- c. The employee is not required to accept an accommodation. However, if the employee refuses an accommodation necessary to perform essential job functions, and as a result cannot perform those functions and is no longer qualified, the employee can be separated from employment.

4. Review of Accommodations

- a. If the accommodations are not effective, the employee submits written documentation to the ADA Coordinator. If the ADA Coordinator is unable to determine a reasonable modification, consideration is given to the accommodation of reassignment to a vacant position.

5. Reassignment to a Vacant Position

- a. Accommodation by reassignment is considered only when accommodation within the current position is not possible or the employee and the employee's Division head agree that reassignment is appropriate. The reassignment may be to any vacant position the employee qualifies for at any Sheriff's Office location.
- b. The employee has to be able to perform the essential job functions of the vacant position with or without reasonable accommodation. The employee is given a specified period of time (determined on a case-by-case basis) to apply for vacant positions. An extension may be granted if there are extenuating circumstances. The employee must satisfy all job prerequisites, including any applicable tests, except those that can be met by reasonable

accommodation. Accommodations required for the testing process are to be provided.

- c. If the employee qualifies for a vacant position and can perform all essential job functions of the position with or without accommodation, the employee is given priority to be reassigned to the position.

6. Separation From Employment Because of Disability

- a. If an employee is considered for the accommodation of reassignment to a vacant position and does not comply with the time period granted, the employee loses protected status under the ADA. At the point where the employee does not qualify for any vacant position, the employee is subject to separation from employment.
- b. Documentation of all efforts to provide reasonable accommodation, as well as all conversations and meetings regarding the case are to be made, then forwarded to and maintained by Human Resources.

B. Employment Issues

1. As required by Titles I and II of ADA, qualified individuals with a disability are not discriminated against with regard to job application procedures, hiring, advancement, compensation, training, and other conditions of employment. To ensure that discrimination does not occur in the employment process, members of HCSO are prohibited from engaging in the following practices:
2. Limiting, segregating, or classifying a job applicant in a way that adversely affects the opportunities of an applicant with a disability provided the disability doesn't preclude the applicant from performing the essential functions or requirements of the position applied for.
3. Using standards, criteria, or methods of administration that discriminate, or that perpetuates the discrimination of others who are subject to common administrative control.
4. Excluding or otherwise denying equal jobs or benefits to a qualified individual because of a known disability.
5. Failing to provide reasonable accommodation for the known disability of an otherwise qualified individual (applicant or member), unless the accommodation imposes an undue hardship to the agency.
6. Using qualification standards, employment tests or other selection criteria that may screen out individuals with disabilities unless such tests are job-related and consistent with business necessity for the position in question.
7. Selecting and administering tests that measure an individual's impaired sensory, manual, or speaking skills resultant of a disability rather than the knowledge, skills, and abilities required by a specific position.

C. Public Access to Facilities

1. Direct all facility concerns regarding safety or public access to the ADA Coordinator immediately.

V. GLOSSARY:

AMERICANS WITH DISABILITIES ACT - Federal legislation prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation and telecommunications.

DISABILITY –A person can show that he or she has a disability in one of three ways:

- A person may be disabled if he or she has a physical or mental condition that substantially limits a major life activity (such as walking, talking, seeing, hearing, or learning).
- A person may be disabled if he or she has a history of a disability (such as cancer that is in remission).
- A person may be disabled if he or she is believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if he or she does not have such an impairment).

DISCRIMINATION – Includes taking action against or refusing to act with regard to an employee with respect to his or her compensation, terms, conditions, or privileges of employment based upon his or her race, color, national origin, religion, gender, ancestry, age, medical condition, disability, or veteran status. This includes limiting, segregating or classifying employees or applicants for employment in any way which would serve to deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his or her status as an employee because of such individual's race, color, national origin, religion, gender, ancestry, age, medical condition, disability, or veteran status.

REASONABLE ACCOMMODATION – A reasonable accommodation is any change in the work environment (or in the way things are usually done) to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment.

Your electronic signature in Power DMS acknowledges you have read this policy and understand it.